

California Coalition on Somatic Practices

1995
Survey

Your Chance to
Determine Your Future

Dear Friend,

If you earn all or part of your living providing skilled touch services (what we, for the moment, are calling "Somatic Practices"), then this package may contain the most important contribution you can make to the future of your profession.

Enclosed is a survey which has the potential to radically alter the face of Somatic Practices in California. This is the first comprehensive attempt to develop a consensus regarding our identity and scope of practice as a profession, and to determine the appropriateness of any level of professional credentialing or possible government regulation.

We are an independent coalition of practitioners representative of most of the skilled touch professions including massage, massage therapy, oriental bodywork, Trager® Rosen Method®, Reflexology, Feldenkrais®, Polarity®, and many others. In the following pages you can read about the three year history of this group; who, specifically, has been involved; which organizations have been represented; how the survey was prepared; and how this process was funded.

Probably the most important thing you need to know about us is that, from the start, this group has been committed to a process of consensus-building **without any preconceived notions regarding where this process will lead**. We have come increasingly to see great value in mutual recognition, understanding and action as a community. Some of us believe in various forms of state regulation and others of us do not. As many of you already know, with regard to the issue of state wide regulation, if we collectively do not join in the decision making process, it is possible for one small, well funded group to take control of this issue and leave the rest of us without a voice.

The goal of this group has been to explore the possibility of creating an effective community of somatic practitioners, and at the same time to analyze all the options available to us—from maintaining the status quo (no intervention, no regulation) to establishing state-wide professional licensing. In order to begin this process, we had to agree upon some working definitions of who we are and what it is that we do. After three years of meetings and drafts we are now ready to ask for your input into the processes of growing community and possible relations with the state. If you have never considered these issues before, this package will bring you up to date regarding the various points of view.

Our desire to provide a comprehensive presentation of all the options accounts for the size of this document. We hope you appreciate this attempt to include all points of view from our diverse field. You will note that there is space for you to offer new perspectives which may not have been represented by this document.

Ideally the response to this survey will indicate a clear direction which we can collectively pursue. We may discover that further surveys are needed, with choices narrowed and additional information presented. If the consensus is to leave things the way they are, then we will discontinue further work. This Coalition brings no hidden agendas: we are committed to an open process and to grassroots decision making. **Please contribute your voice.**

Sincerely,

California Coalition on Somatic Practices

Just what is it that we are asking of you?

1. Read this packet

- a) to find out more about the California Coalition on Somatic Practices and the process that developed into this survey read Pages 5-13
- b) for regulatory options, read pages 15-28
- c) for more background information read the appendices on pages 29-32

2. Complete the survey

beginning on Page 33

3. Mail your ballot by February 28 1995

to: The California Coalition on Somatic Practices
P.O.Box 5611 San Mateo CA 94402-0611

We have included a pre-addressed envelope for your
Convenience.

It is quite possible that the results of this survey will set the
course of the skilled touch industry for the twenty first century.

We have obtained mailing lists from as many sources as we could find: professional associations, bodywork schools, subscription lists, and customer lists. Approximately 24,000 surveys have been sent out. The mailings are being done by Creative Business Graphics which has made every attempt to delete duplicate names and addresses. However, it is possible that you might have received more than one survey, or that other practitioners you know did not receive any. Please feel free to make extra copies to disseminate to other practitioners who have not received the survey or ask them to call 1-415-637-1233 for a survey of their own.

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INTRODUCTION

What is the purpose of this Survey?

This is an opportunity for you to help guide the future of your profession. Its an invitation to everyone practicing any somatic profession. It will be used to help the Coalition for Somatic Practices determine what, if any, directions will be CONSIDERED. Even more importantly, it will hopefully develop a name and definition which accurately describes our work and encourages appropriate decisions to be made based on the foundation of our increasing sense of trust and community.

As to regulatory policy, there are many choices, ranging from the status quo to state regulation, each of which has pluses and minuses. It is unlikely that there will be a complete agreement around any particular choice. It is important for everyone to complete the survey and add personal comments. We want to consider every perspective as well as the reasons behind each. In this way we can best work together to make the choices that will provide the greatest satisfaction to all.

Who is the California Coalition on Somatic Practices

The Coalition is an open group of individuals, associations, guilds, institutes, schools and other groups working for the common good of the somatic profession.

The goal of the Coalition is to achieve and function as a genuine community, resolving differences in a spirit of cooperation and respect, rising above special interests to consider the interests of the entire profession, and of the public we serve

Contributing Organizations/Specialties/Schools/Groups

These Organizations are listed on Page 39

Contributing Individuals:

Numerous individuals have also been involved in this project. We list here those who have been consistently active and committed to this process and project. We want to also acknowledge the many other individuals who have supported, followed, and in many different ways also contributed. (Note: Those with phone numbers listed can be reached if you have questions regarding this packet).



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Note: Throughout this document, the terms profession and fields are used, sometimes interchangeably. We view the somatic practices as a diverse field, maybe including more than one profession. Our hope is that from this survey may emerge greater clarity of identity.

Present Activities

The Coalition has begun by gathering, organizing and now distributing the enclosed information and background material. From this, we hope to develop constructive guidelines for definition and regulatory policies in California. Reasonable efforts are being made to distribute such information to, and receive feedback from, members of our respective professional groups, and the vast number of nonaffiliated practitioners in California. We have had the help of a paid legislative analyst in preparing this information.

As the Coalition explores and communicates issues of identity and regulatory policy alternatives, we understand that policy decisions must ultimately be supported by the community of somatic practitioners in California. The Coalition is not an elite policy decision-making body. We are an open, inclusive group, committed to developing decisions from the grassroots of the profession. We will work to develop a consensus.



OUR ADOPTED DEFINITION OF CONSENSUS

A group decision (which some may not feel is the best decision, but which they can all live with, support, and commit themselves to not undermine). It is arrived at ...through a process whereby the issues are fully aired; all feel that they have been adequately heard, in which everyone has equal power and responsibility. Different degrees of influence, by virtue of individual stubbornness or charisma, are avoided so that all are satisfied with the process. This process requires the members to be emotionally present and engaged, frank in a loving, mutually respectful manner, sensitive to each other; to be selfless, dispassionate, and capable of emptying themselves and possessing a paradoxical awareness of the preciousness of both people and time, (including knowing when the solution is satisfactory, and that it is time to stop and not reopen the discussion until such time as the group determines a need for revision).

(Copyright: Valley Diagnostic Clinic and The Foundation for Community Encouragement, 1988)

Historical and Professional Perspective

In late 1991, the California Massage Therapy Association organized a meeting of representatives of all national, state, regional and specialty massage, bodywork, and related associations and groups with members in California. Also invited were individuals who were active in regulatory issues facing practitioners in the unlicensed touch practices. The purpose of the meeting was to jointly look at problems common to us all, and to develop possible solutions, from the grassroots of this broad field. At the first meeting, the Coalition chose to become independent of any organization or group. We have been supported with donations from many associations, schools, and individuals. We have always been, and remain an autonomous group. Legally, we are classified as an unincorporated non-profit group, functioning as a sort of business league (club) for educational purposes.

Although the specialties represented are quite diverse, what we most have in common is skilled touch as one of the integral cores of our work, (and a desire to achieve the flexibility and respect which comes with independent professional recognition which reflects our diversity). It is felt that if resulting regulatory policy might affect any practitioners, they should also be involved. All the related schools have been included in the process as well.

The plan of the Coalition is two-fold. One is to gather data regarding how we view our work so that we may develop the elements of our skills, intentions, and modalities into a relevant scope of practice and title. The other is to educate and inform all practitioners of regulatory options, ranging from maintaining the status quo to state licensing. The com-



mitment is to create a definition and choose a policy supported by the various specialties and individuals. We believe that most of us understand very little about regulatory issues and concepts, and what prompts emerging professions to consider such options. In order to assist you in making decisions, we have prepared this in-depth survey packet. If the choice will be to maintain the status quo, at least let us do so as an informed decision, rather than by default. The future well-being of our profession necessitates mutual understanding and respect, and an inclusive approach to decision-making.

The Coalition was founded on the principles of genuine community. Its organizer Beverly Shultz May was quite inspired and influenced by the Foundation for Community Encouragement, which was founded by Scott Peck, M.D. (author of "The Road Less Travelled" and "The Different Drum"). We have tried to look beyond the self-interest of our own groups, focusing on the needs of the entire profession, and the public we serve. The common view of professions is that they consider their own economical and egotistical interests above those of the public in choosing to support any regulatory policy. We are committed to a different vision. We tend to embrace a view of touch and movement education as art, science, personal service, and education that is holistic, spiritual and philosophical. We believe in the essential value of touch and movement as the most basic, accessible form of caring and communication between people. While we acknowledge the commitment of those who choose this profession, we encourage the value of touch in all human relationships.



What are Somatic Practices ?

When we considered a name for the Coalition, various titles including massage, bodywork, and touch were discussed. We chose the term "Somatic Practices" because it was one that we all could agree to, even if some of us preferred other names. Many specialties don't feel that the title "Massage" represents their work, while to others, "BodyWork" sounds unpleasant, like auto work. "SOMATIC" has a history as a broad expression, "of the Body", and has been used to imply body, mind and spirit. We consider that there are many disciplines under the so-called umbrella of "Somatic", including massage, bodywork and service-marked specialties.

SCOPE OF PRACTICE

Professions usually develop scopes of practice as a means of defining what they do, and distinguishing that from other professions. In state laws, the scope of practice may be quite broad, such as the practice of medicine, or rather narrow, like the scope of practice of



acupuncture. It may be framed in such a way as to list specific procedures, techniques or approaches. It may also be approached from the perspective of the limits of practice, defining techniques and procedures which may not be performed, or do not require such a license. For example, in California, massage is included in the laws defining the scopes of physical therapy, chiropractic, and with limitations, cosmetology and several of its subdivisions.

It may be said that until we have a clear sense of our identity and have explored the realities of working together, issues of regulatory policy are premature. Certainly, we need a clear identity for our profession, understanding the boundaries of what we can and cannot do. Not only does this sense of scope benefit us, but it allows us to market our services in an honest and comprehensible manner to the public. It prevents us from making poor decisions regarding regulations. And finally, it informs other professions of our uniqueness, hopefully avoiding some of the "turf wars" over scope of practice which are so common between related professions.

Independent professional recognition

Identifies the profession as whole within itself, able to practice without being under the direct control of another profession. For example, within the Physical Therapy Practice Act, in California state law, are provisions for the training and licensing of physical therapy assistants. Currently, a two year college level course of study leads to the state licensing exam. Yet under their scope of practice, they can only assist under the supervision of a licensed physical therapist who is responsible for the extent, kind, and quality of service provided. Although statute (state law) gives them professional recognition, they have no independence and can not perform physical therapy outside of a supervised clinical setting. The same is true of dental hygienists, who have introduced a bill in the state legislature which would allow them to work independently of dentists. In the case of physical therapy and chiropractic aides, neither of which have a state license, and usually have no formal training, they have neither professional recognition nor independence. In fact, the independence of licensed physical therapists is limited as well, in that they can only bill for insurance reimbursement for their services if the patient has been referred by a prescribing primary care physician. They can, however, take private patients who are paying out of their own pocket.

WORKING DEFINITIONS

For the time being, we have been using the following rather broad working definitions:



“Somatic Practice” includes the skillful application of touch, movement and education for the purpose of enhancing well-being and self-awareness.

A “Somatic Practitioner”, through the professional application of touch, education and clear communication, facilitates enhanced well-being and increased self-awareness.

Although we have been working with these definitions while preparing these survey packets, we realize that various elements make up a scope of practice. We feel that it may be beneficial to question practitioners as to the possible elements to include so as to create a satisfying definition of our work.

A professions scope of practice may be defined in terms of modalities, purpose or both; a possible overview of skills may be included. In defining the scope of practice of medicine in California state law, Business and Professions Code Section 2052 defines (modality) “mode or practice of treating sick or afflicted”, then (purposes) diagnosis and treatment in relation to (specified purposes or objectives) ailments, etc. - treatment of pathology. As another example, Section 2620 defines physical therapy as ..“physical or corrective rehabilitation ...or treatment of any bodily or mental condition ..”(purpose) “ by the use of physical, chemical, and other properties of heat, light, water, electricity, sound, massage, and active, passive and resistive exercise” (modalities)” and shall include physical therapy evaluation, treatment planning, instruction and consultative services.” (Skills). It then goes on to limit the scope by stating what is not authorized, such as the diagnosis of disease. Also in this law is a section stating that massage that is not performed as part of a physical therapy treatment does not require that the practitioner have such a license. Cosmetology is defined to include “massaging, cleaning, or stimulating the scalp, face, neck, arms, or upper part of the human body (purpose), by means of the hands, devices, apparatus or appliances, with or without the use of cosmetic preparations, antiseptics, tonics, lotions, or creams.” Other sections refer to massage of the hands and feet.

In order to draft a scope of practice, we will need to obtain a census of skills, purposes and modalities, and combine them appropriately into a definition which our very broad field can relate to. On the enclosed survey we ask you to check which of a list of specific skills, purposes and modalities you identify with. We also ask which word or phrase you think best identifies our field. This is a most crucial part of this survey. It is your opportunity to contribute to the further evolution of the definition and scope of practice.



The Current Environment Affecting Somatic Practices in California

In order to meaningfully evaluate all of the options for somatic practitioners, it is important that we all have a good (and similar) understanding of the current environment affecting our profession.

The following background material describes different aspects of the current environment for somatic practitioners in California and includes information from other states.

California : Regulation or Lack of Regulation

The word regulation refers to government regulation, either local laws enacted by cities or counties, or state laws. Currently there are no state laws in California directly regulating our professions. Schools may be approved by the state to issue certificates of graduation. The graduate however is not certified by the state to practice. The widespread use of the term “certified massage therapist”, and the initials “CMT” lack meaning, in that such designation usually refers to the achievement of educational and other professional standards which have been recognized by a governmental or private agency. There is no such body certifying massage therapists in California today. Likewise, promoting oneself as being a “licensed massage therapist” misleads clients, who expect the practitioner to have some type of professional license from the state, and not a local business license or massage permit.

However, nearly all disciplines involving touch are subject to legal restrictions, even though in the case of many specialties, these laws may not be enforced. These specialties include a vary broad array of diverse types of work. On the tip of one wing might be practitioners whose goal is to address body tensions and restrictions by reeducating the client through applied movement patterns. On the tip of the other, for instance, the licensed psychotherapists who use touch, such as the Reichians, the Pesso Boyden /Psychomotor practitioners, the psychodrama people, etc., are all in theory subject to laws forbidding touch, even if not always enforced. Theoretically, unlicensed somatic practitioners who delve into the realm of Somato-emotional release could also be subject to touch prohibitions.

The most immediate problem, of course, is that which prostitution poses for massage practitioners, since the regulations are now actively enforced in that arena. In California



there are laws in almost every community regulating massage. These laws generally define massage in a manner that includes all types of touch practices not otherwise licensed by the state. In almost all cases this is a restrictive local law which starts from the presumption that massage is a front for prostitution. In a few communities these laws have been revised to recognize and regulate therapeutic massage in less onerous ways. However, in many other cities such efforts have been attempted but have thus far proven unsuccessful.

Under a typical local ordinance in California no one may offer any form of touch practice unless very strict local regulations are complied with. Criminal background checks, medical or V.D. tests and disclosure of business history are quite common. Usually training in a state approved massage school is required, with some cities requiring no training and others requiring as much as 1,000 hours. Sometimes an exam is given, often written and administered by someone with little knowledge of the profession. Currently, Los Angeles requires no education, but administers a written and practical exam. Thousand Oaks requires 1,000 hours of education. San Mateo requires 200 hours of training and passing an exam administered by a chiropractor. Most regulations generally prohibit the practice within ones home, in any residential area or in most commercial areas that are near a residential area, school or church. They also require the obtaining of a massage establishment license identifying the location which is to be used. Often the most restrictive regulations are those limiting massage by zoning to "adult entertainment" zones. Exemptions generally apply only to those holding state licenses in the healing arts, athletic training, and cosmetology, to the extent that massage is within their scope of practice.

Under these laws it is likely that most current practitioners are operating illegally even if they are practicing openly - unless they have been able to obtain business licenses under a different category, by using a title unfamiliar to local officials. Many practitioners, feeling that laws written for the adult entertainment industry don't apply to them, have chosen to work without permits. However, in strict cities and counties, all of us who touch are subject to enforcement of these onerous local regulations.

Change is Happening

There has been a new wave of organized illicit (prostitution) massage parlors throughout the state which is motivating more cities to revise their ordinances. Usually this results in a more restrictive ordinance. Either in reaction to such proposed revisions, or on our own initiative, more practitioners are having to work with their local governments to ensure the least negative change. This is a time-consuming and tedious band-aid approach,



dealing with one local government after another. In other states the trend is towards the enactment of state laws which recognize and regulate massage, often including most touch practices, although excluding some as well. There were four additional states that enacted related laws in 1992. Connecticut, Iowa and Louisiana all passed licensing laws, while Delaware passed a law which provides for state certification. Under Delaware's law, state certified practitioners are exempt from local adult entertainment laws. At least five other states are currently in the process of developing or introducing licensing bills.

What Does it Mean to be an Unlicensed Profession ?

In California hundreds of professions are licensed by the state. When a profession is not licensed, the state is in essence saying "anyone who wants to do this can legally do so. We are not setting any minimum standards for the practice of this profession".

The absence of a state law also allows for "local" laws which are enacted by cities or counties. While most "local" laws are aimed at "regulating" massage parlors, some local laws licensing massage therapists are similar to state laws. So although we are not regulated by the state, in most cases we are heavily regulated locally, and in an inappropriate manner .

Practitioners often state that they are "certified". This means that a person has completed a course of instruction. Legally, it does not "certify" them as being eligible to practice a profession, in the way that a state license makes only licensees eligible to practice a profession. Private certification may provide a level of professionalism that is valuable to consumers, to the extent that they recognize the certificate as meaningful. However, it does not limit others, with or without any training, from providing the same services.

Some somatic practices, such as Feldenkrais® or Aston-Patterning®, have registered service marks on the use of their name. Even without a state law, this type of certification precludes anyone not certified by their recognized programs from practicing under that title.

For additional information regarding other states, see

see Appendix A "How do laws in other states regulate somatic practices?" .

Also See Appendix B: "Potential Impact from other professions".

Also See Appendix C "What is our current status for insurance reimbursement (third party billing)?"



Outline of Options: Overview of Feasibility of all Options

A. VARIATIONS ON THE STATUS QUO

1. No organized attempt to propose state law or develop formal regulatory policy.
2. Aggressive coordinated campaign by practitioners to introduce model ordinances at the local level.
3. Focusing efforts on professional development

B. State Law Without Licensing

1. Exemption from restrictive local regulations.
2. State regulation

C. State Licensing Program

- Grandfathering
- Educational requirements
 1. Hours required
 2. Elements of education determined
 3. Examination
- Scenario for a state license

D. Non-Governmental (Private Certification)

Also see APPENDIX D: "Overview of costs and procedures for options B and C regarding state law".

There is no feasibility analysis of Option A1 (status quo) since it doesn't require any action and thus is obviously quite feasible. The feasibility section for other options reflects our best information (from a professional government relations consultant) on how much resistance we may encounter if we propose it, and from whom.

While there are significant difficulties mentioned in options B, C and D, this doesn't mean that any of them are impossible to accomplish. **Any Direction in which Somatic Practitioners Unite After Careful and Through Review has a very good Chance of Succeeding.** However, we may have to be flexible and patient. Any proposal that changes the status quo will encounter resistance. We have to be prepared to listen to all of the objections expressed with open minds. We must accept that the Legislature (and local governments) may be resistant to adopt a program until it has been thoroughly studied. **It must consider the views, not just of somatic practitioners, but also those of other professions, public agencies and consumers.**

If the profession elects not to propose a state law we still must decide how to proceed. Do we continue to build a coalition of somatic practices? Do we develop an organized statewide effort to revise local ordinances? Do we establish our (private) certification process - and if so how would we do it? The answers to all of these questions lead to different directions for the profession.



Options for State Regulatory Policy

A. VARIATIONS ON THE STATUS QUO

1. No organized attempt to propose state law or develop formal regulatory policy.

This approach means a continuation of the current wide variety of local circumstances under which somatic practitioners provide services within California.

It differs from the following options B,C, and D in that under this option we would make the decision that we don't want to consider statewide actions and prefer the city by city variations that currently exist.

Analysis

In the absence of a state law on the subject, local governments can adopt virtually any laws they choose. Some have no laws or regulations. Others have extensive licensing programs similar to states. However, the most common local action is a restrictive ordinance severely limiting somatic practices due to the prevalence of illicit massage parlors.

In California there are over 450 cities and 58 counties (counties govern the areas outside of the incorporated boundaries of cities). This means there are potentially over 500 different circumstances that somatic

practitioners would be faced with. In some places, such as Lafayette, a small city in northern California, there is generally no problem, whereas in other places there are very real threats of legal actions against practitioners who do not strictly comply with a restrictive local law. Although rare, this can be as serious as arrest, but more commonly the inability to continue ones' practice as we choose.

Problems with scope of practice issues can also occur in California under the local ordinances. There was a proposal in the City of Huntington Beach (a city of about 200,000 people in Orange County) where a proposed ordinance declared that only state licensed physical therapists and acupuncturists would be permitted to practice massage. It required a well organized effort by two state massage associations (California Federation of Massage (IMF\CFM) and the California Massage Therapy Association (CMTA)) to stop this proposal.

For many somatic practitioners this is the obvious choice. They are not under any threat from law enforcement or other professions - nor do they see such a threat as realistic. This would be especially true if one practices in a city without an oppressive ordinance, without diligent enforcement, or if ones' practice is called something other than massage. This option may seem to be the simplest since there is no required action of any state association or group. However,



it provides no statewide consistency, and turns us into fire-watchers, ready to race to the next danger spot when another city decides to revise their regulations. It also means having to face a whole new ordinance and permit process every time one moves to another city, and little chance of being able to qualify to practice if one moves to one of the licensed states. It also offers no protection from other professions trying to absorb us under their scope of practice.

Cost

There are no direct costs. It could result in substantial costs over the long term because of the potential for numerous local problems from restrictive local ordinances.

2. Aggressive coordinated campaign by practitioners to introduce model local ordinances

A model local ordinance is one that might be adopted by the profession to propose to every local government in California. It would include material explaining somatic practices and the ways to differentiate somatic professions. It could include educational, exam and registration requirements similar to a state licensing law.

Analysis

Generally speaking professions are recognized and regulated by the state and not by local government. However, due to

the prevalence of local ordinances regulating massage parlors, massage therapists and other somatic practices have become the subject of local regulation in a manner which other professions are not subject to. Thus, the most direct way of responding to these problematic local ordinances is to develop a model revision to those ordinances which separates legitimate massage therapy and other somatic practices from the general definition of a massage parlor and gives somatic practitioners a more professional status. However, this represents a continual uphill battle, requiring a huge effort to deal with hundreds of local governments one by one.

Several years ago, the California Massage Therapy Association (CMTA) prepared a Model Ordinance for local regulation of somatic practices which are impacted by the usual massage parlor type laws. It has never been used in an organized attempt to be approved by all California cities, but has been used by local practitioners (both AMTA members and others), and by local officials, in preparing or revising local laws. In California, we could develop a similar, broader model ordinance as a coalition. This current ordinance takes the approach that we are professionals, and therefore demands the least possible regulation, rather than assisting cities and counties in their attempt to control prostitution. For this reason, it is often too radical for local officials, who really have no interest in regulating anyone but the sex industry. The resulting ordinances



are inconsistent and always far more restrictive than we would like them to be.

A campaign to introduce a Model Ordinance at the local level was tried in Massachusetts, where a coalition of organizations and practitioners developed a model which establishes minimum standards agreed upon by the participating specialties and general membership groups. Practitioners are required to belong to a professional association and have a minimum of 500 hours and other standards as defined by the association. Each association is therefore given autonomy over its' members, and considered equal under the ordinance as written. The intention was to take it to each city in the state for adoption. Just recently, however, this coalition decided instead to introduce their model as a state law, rather than face hundreds of cities one by one.

Feasibility

This option may be quite difficult to accomplish given the failure of efforts in several cities to provide less restrictive local ordinances. A logical first step would be to work to get a model endorsed by a state organization of city leaders, such as the California League of Cities. If that succeeds it may be easier to convince more cities to adopt it. If we would be successful in convincing a number of key cities to adopt it, others would probably follow their lead. However, even when presented with a Model Ordinance, cities always adopt their own version. We would need to approach

most of the 500 cities and counties in California, one by one.

This option would still have the limits of other options without a state law in terms of threats from other professions as well as the potential for uncertainty if one moves from one city to another.

Cost

The costs for developing the model could be modest if a good model ordinance already exists. An existing city ordinance could be adapted by the coalition so that it is acceptable to those in the profession, as could the model ordinance prepared by the California Massage Therapy Association (CMTA) or the Massachusetts Coalition. Otherwise this could be a substantial cost. The main effort would be to try to obtain the blessing of an organization (such as the League of California Cities) which is respected by the cities and to secure the approval by key cities. After that time there would not be much cost required for the profession statewide but local groups would have to work diligently to get the ordinances enacted in each community.

3. Focusing efforts on professional development

Developing and uniting the professions and preparing for possible action in response to challenges from outside is already occurring. This is the closest thing to a



status quo choice. Through associations, school councils, think tanks and groups like this coalition, the profession has been studying the issues of identity, standards, ethics, etc., in an attempt to educate and involve our colleagues in defining our future.

Analysis

This is happening across the country. Choosing to only do this and nothing further may make sense. To many of us, the problems we are facing right now may not be so great that we need to act. To others, the problems may be great but we are not sufficiently united to move in any particular direction at this time. In choosing this option, we would be making ourselves stronger and more united. By taking steps to prepare for the most likely threats, to further develop the identity of the coalition and unite the field, we may be in a better position to take a particular course of action at a later date if need be.

This is a relatively simple choice since it is no new action. It really means putting off a long-term decision regarding regulation, monitoring events to determine if our situation has changed and we need to act, and continuation of the coalition in developing experience in working together, in educating the somatic field and the community at large. While we build mutual support and understanding, we can develop a

proposition which stands solid before examination. However, it allows for the potential of local and state problems to worsen in the meantime.

Feasibility

Feasibility of this option in the state of California would depend on the level of interest of groups and individuals to continue formal discussions on common issues. In the past, small groups, such as the Canyon Ranch Think Tank, have met to discuss a particular issue, and have published their findings. Such small and short term projects are unable to elicit the input of practitioners in the way in which this Survey is attempting to include and involve great numbers of practitioners.

Cost

The initial costs are relatively modest. Much would depend on the degree and means of involving the many thousands of practitioners in the discussion of issues. There could be substantial costs if numerous mailings and surveys are involved. The long term costs would depend upon the climate in the various local communities, other regulated professions and state government, and whether formal action is eventually required.



B. State Law Without Licensing

For most professions a state law necessarily means a state licensing law. However, there are unique circumstances currently affecting somatic practices which make it necessary to consider other options. These include the differences between our specialties as well as the impact of restrictive local ordinances.

1. Exemption from restrictive local regulations

A state law could be enacted which establishes requirements that define professional somatic practitioners and specifically states that anyone meeting this criterion is exempt from restrictive local ordinances.

Analysis

This type of state legislation may eliminate the immediate problems with local ordinances and provide a scope of practice protecting somatic practices against other professions that might claim only they can provide therapeutic massage or movement education. However, it may also prompt them into action to defend their turf if they view this as a move to establish ourselves within their scopes of practice. This option may not provide an effective means of establishing ourselves as a credible profession.

Feasibility

In an ideal world, this approach may be the simplest and most direct form of state legislation. However, there is no precedent for it in other states and the Legislature might be uncomfortable providing exemptions from local ordinances without some control over the practitioners it is exempting. Such a bill would also need the support of local officials through the League of California Cities, and local law enforcement groups. They also may be reluctant to yield local control without establishing some meaningful high standard under a state licensing law. In Colorado, a law was passed in 1990 which exempted practitioners having a specific level of education from being subject to the State Massage Parlor Code. Many cities claimed home rule status and chose to ignore the exemption in favor of their own ordinances. In California, however, there is no regulation of massage practitioners or businesses by the state, except for schools. Any exemption we would adopt here would be specifically an exemption from local regulations written for massage parlors and adult entertainment. However, as noted above, cities may resist efforts to override their right to regulate us unless they see some sort of state regulation in its place.

Cost

The initial costs would be comparable to other options requiring legislation. Long term costs would be very low in that it provides a state law that eliminates the costs



and burdens associated with local ordinances but does not involve payment of registration fees, exams or compliance with a state law.

2. State Registration of Somatic Practitioners

A state law could be enacted which provides definitions of various somatic practices and establishes a requirement that individuals pay a registration fee to the state. This is differentiated from licensing because it does not require the completion of education and an examination by a state agency. This law might also provide an exemption from local massage parlor type ordinances. It may require as little as having the registrant list their schools and training, and thus serve only for informational purposes.

Analysis

This provides many of the advantages of state licensing but without the efforts of licensing. The advantage would be that there would be less cost and effort for individual practitioners. Texas requires state registration, with a minimum number of hours of training. Maine requires registration to use the term "massage practitioner", for which there is no required education or exam. There is a higher level, called a "massage therapist", requiring both education and passing of an exam, but the scope of practice is actually the same for both

levels. However, the consumer may be misled into believing that a registered practitioner has met some uniform standard. In fact, anyone, with any, or no training would be viewed as equal in terms of having the same registration. Since there may be no standards or examination, cities may not support provisions to exempt registrants from local ordinances. As is the case with the previous option, in most cases local officials want to see some meaningful state educational standards and exam if they are to give up their control.

Feasibility

Like (option) B 1 this approach has few precedents. Typically in California professionals are licensed by the state and receive approval by a state agency verifying that they have met specified criteria. The state may accept a registration program, but whether it could include exemption from local regulations would need to be seen.

Cost

The cost of this program would be the same as establishing the state law with an exemption from local ordinances (option B 1) with the addition of any registration fee that the state would require. In the State of Maine even though there is no licensing or examination costs for the state, they charge an annual registration fee of \$100.



C. State Licensing Program

A state licensing law would mean there is a state statute establishing education, experience, examination, initial fee and renewal fee requirements for all practitioners. Fees are set by dividing the costs of the program by the estimated number of practitioners to be licensed. In contrast, local regulations often set extremely high fees to cover enforcement of vice laws violated by the so-called “massage parlors”. (Initial fees of \$1000 or more are not unusual in cities for businesses falling under the massage laws). Generally, a state license means that only those holding a valid state license can practice the profession.

There are various scenarios for a state license. We present here only one scheme. The reason for this restraint is that we are such a diverse field, with numerous specialties, and greatly varying levels and types of training, that we feel it crucial to allow for the recognition and respect of all manner and level of legitimate practitioner. Only a single state license as a somatic practitioner with a specialty subtitle in areas of specialization or expertise affords us this diversity. The term somatic practices may actually cover many different professions. Under this approach there would be separate licensing requirements for each named specialty. The

state board would accept the specific educational requirements for each one, presumably with comparable levels of training but different areas of emphasis and appropriate examinations. It is possible that tiered levels of practice could be established under this program as well, recognizing the scopes appropriate at varying levels of training.

Under this proposal a state licensing board or committee would develop or adopt an examination process for all practitioners and verify that they meet the legal requirements. The exact requirements of any licensing plan would have to be worked out in more detail if somatic practitioners choose to pursue this particular alternative.

Further information gathering and probably surveys would assure that the entire profession is given a voice in this project.

One issue that arises under any new state licensing proposal is how to treat individuals who have already been practicing their particular profession but do not necessarily meet the educational requirements established. It is common to create a “Grandfathering” exception, whereby practitioners with a specified amount of experience may have that experience substituted



for education. In some cases the state may allow that type of licensing only on an interim basis, giving those existing practitioners a number of years to obtain the education that other licensed individuals have to meet.

A second issue is the level at which to set the educational requirement. A lower level allows a broader number of practitioners to qualify but does not assure a particularly high level of skill. The range in other states for massage education is from 300 hours to 1,000 hours - 500 is the most common. Tiered levels of practice are possible, with broader scopes of practice for the higher levels. Apprenticeship programs may also be recognized.

Third, in addition to the number of hours there are other questions about what the education must cover and what the examination would include. Some of these issues may be resolved directly through legislation. This would involve preparing a fairly detailed law defining specifics of how to regulate the profession. The concern about this approach is that bills get amended so drastically in the state legislature, under influence of other professions and interests. The resulting law is certain to be far from what we introduce.

Another choice is to introduce a very basic law, which would create the regulatory body, and let it define the regulations. The more we have worked out these details ourselves previously, the better. If we approve a licensing program, we would most likely have to begin by developing the certification process, as discussed in option D

At this point, to introduce a licensing law without developing our own certification would probably lead to the defeat of the bill, since the state is unlikely to allocate funds to develop one for us. If not defeated, it is most likely that the state would adopt an existing national certification exam, such as the National Certification Examination for Therapeutic Massage and BodyWork (NCETMB), since numerous other states already use it, and it is recognized. **If we prefer a broader certification program which respects the diversity of the profession, we would need to prepare such ourselves and establish its credibility and acceptance prior to introducing a licensing bill to the legislature.** In Massachusetts, a law is being introduced to create a new board to regulate massage and Somatic Practices.



Analysis

The advantage of this approach is that it provides greater specificity and clarity in licensing. The disadvantage is that it leads to more complex regulation. This may not be easily accepted by legislators, and opens more doors for opposition.

If we go with this option, **we must begin by developing the certification council discussed in option D, or else the state will choose an examination and approval process for us. Because of that, choosing this option probably means also choosing private certification.** This option would be modeled after that outlined in the discussion on private certification by a so-called Council on Somatic Practices (see option D.).

Examples of the resulting license:

A LICENSE AS SOMATIC PRACTITIONER
**is hereby issued to: Jane Doe,
with a specialty in TRAGER.**

A LICENSE AS SOMATIC PRACTITIONER
**is hereby issued to: John Doe
with a specialty in GENERAL
MASSAGE (OR BODYWORK)
TECHNIQUES.**

Both proprietary specialties, such as Rosen Method and Rolfing, and general techniques, such as sports massage, Swedish, and oriental bodywork could all be recognized. The proprietary specialties would define and create their own requirements, with the State Board or Council reviewing and approving these programs.

Costs

The costs for state licensing approaches are more comprehensive and more expensive than other options. They not only require the initial cost of getting legislation passed but ongoing costs for practitioners of paying registration fees, taking exams and complying with the licensing laws as well as costs for a state association or coalition to monitor the activities of the state licensing board - (who is on it, what regulations and standards they are prescribing and other issues).

Feasibility

We will likely have to overcome confusion and possible resistance in the Legislature to licensing a wide spectrum of practices under the umbrella of Somatics. However, doing so may minimize resistance from physical therapists and other medical practices by defining a whole new field such as it does not fall especially within their



scope of practice. It would recognize each type of practice, using subtitles that more practitioners use in describing their profession. There could be a greater challenge in drafting the complex specifics for this legislation than for other options. Since it is unprecedented to license professions that may not be generally known, and which in other states are either unlicensed or licensed as massage therapists, we may have to educate legislators and bureaucrats as to who we are. We would also have to convince the legislature that there are a sufficient number of individuals in each category, and enough difference between them, to justify separate sub-titles.



The simplest and most common form of state license is one state license with a uniform set of educational requirements and examination for all practitioners. There is no differentiation between levels of experience or between different somatic practices. Different titles by specialty are not recognized. The disadvantage is that widely varying specialties would be treated as if they are the same and subjected to licensing requirements which may not be well-suited to their practice and skills. This is the approach most similar to what has been done by the majority of other states with established laws, and what California does



with most other professions. It tends to result in dissatisfaction in the law by those practicing disciplines and techniques not generally recognized by it. Most other states' laws only use the title of "massage", and test what is generally considered "Swedish" massage, with New York also requiring shiatsu training.. "Somatic practices" includes massage therapy and also includes a number of other specialties which appear to be included in most other states' definitions of massage therapy. **In our commitment to do no harm to other specialties, the Coalition has chosen not to present such a one uniform license option. In a state as diverse as California, to do so would almost surely cause dissent within our field, and therefore a failure not only of any proposed law, but of any solidification of our community.**

Finally, it should be mentioned that the California legislature is resistant to licensing any more professions, and in fact has been attempting to deregulate professions. The usual first step for state licensing is to respond to a "Sunrise" survey. This questionnaire requires documentation of why the public may be harmed by the lack of regulation, how licensing can assure public safety, and why no other means of protection is possible.

D. Non-Governmental (Private Certification)

The Coalition on Somatic Practices or any other statewide organization could agree upon some uniform standards for private certification and agreed upon meanings of specified titles. This would likely involve accepting as is those already subject to uniformity of training and practice under a servicemark (i.e. Trager, Zero Balancing, Rolwing, Hellerwork, etc.), and helping others to workout agreed-upon titles and educational procedures for those specialties not so clearly defined (such as Swedish type massage, "deep tissue" work "BodyWork" etc.).

These uniform standards would be different from the existing situation where each specialty has their own individual certification programs that do not have statewide recognition. The coalition or organization would become a sort of umbrella organization, uniting the field for common goals. This body would be a voluntary collection of somatic disciplines working to establish uniform standards for certification, and agreed upon titles.

Analysis

Almost every private practitioner has completed some type of training program.

Each program may issue its own private certificate which is really just a certificate of completion. Some specialty organizations such as Rolf Institute, Feldenkrais, and Aston-Patterning require a yearly fee and perhaps require continuing education to use the protected name.

A statewide certification program would develop a uniform set of standards that could have broader support and acceptance, establishing somatic practices as a profession with a clear sense of who we are, what we do, and what it takes to practice.

An example of how this might be done is to establish a Certification Council for Somatic Practices. This body would be a private voluntary association of somatic disciplines. Those practitioners approved under this program would hold a certificate in Somatic Practices, with a specialty in whatever is their area of expertise, or in general massage or bodywork practices. One could conceive of three possible functions for such an association.

1. Respecting the diversity of the profession, it would most likely be empowered to include the various autonomous programs where certification is already established under service marks (as do some specialties).



2. The council could aid non-proprietary specialties (such as massage and oriental bodywork) to define themselves and their educational goals, through, for instance, adoption where appropriate of whatever programs or exams seem appropriate and adequate. Included among such exams may be the certification exams being developed by the International Myomassethics Federation (IMF) or already existing exams of the American Reflexology Certification Board, (ARCB) and the National Certification Exam for Therapeutic Massage and Bodywork, (NCETMB).

different specialties. The National Certification Board for Therapeutic Massage and Bodywork (NCBTMB) has received NCCA approval. The exam was developed according to the protocols and guidelines of the NCCA. It should be noted that a large number of existing certification programs are not approved by outside agencies such as NCCA.

Any fair and objective exam which meets similar criteria could gain recognition as a meaningful standard.

This type of program is not governmental. It is a private certification. It is not exclusive, in that those not certified are permitted to practice, (with the exception of the use of the protected titles). In order to become governmental, the state has to pass a law which would recognize the Council as a certifying agency, or refer to it as such within a licensing law.

3. The third role of the council would be to examine and approve new somatic disciplines wishing to become part of the councils' approved specialties.

The Council could then apply, if it chooses, for recognition by an overseeing agency, such as the National Commission on Certifying Agencies (NCCA). This may give a somewhat greater degree of respect to this private certification, as an approved certifying agency. For example, the certification issued by a specialty, such as Rolf, may be required in order to use that title. However, the Rolf Institute is not recognized as an accrediting agency. The Council on Somatic Practices could work toward achieving such approval, with subcategories for

Some state laws reference (refer to) the National Certification Examination for Therapeutic Massage and BodyWork (NCETMB) as an exam that would be accepted in their state for licensing. North Dakota recognizes the American Reflexology Certification Board exam for state licensing. If and when there is a state law enacted in California and there was a broadly accepted statewide certifica-



tion program with uniform standards, a program as described above could be referenced in state law as the standards for state license. **Again, we are not speaking of the current National Certification exam as the exam to be universally accepted in California. We would develop and recognize a number of means of certification appropriate for the diversity of practice within our field.** Accordingly while certification by itself does not lead to a state law, if it were in effect and being broadly used by a large number of practitioners, there would be a strong argument that state law should either reference it or incorporate standards that are comparable to the private certification, rather than have the state develop its own standards and exam.

The California Drug and Alcohol Counselors are an unlicensed profession in this state. In recent years they have established their own certification program. Currently they have a bill pending which would have the state formally recognize their associations and certifying program as approved certifying agencies. This would permit insurance reimbursement in some instances, and be required for them in order to work in government-funded programs.

Feasibility

The level of effort required to develop this program would largely depend upon the extent to which we could readily agree to use an existing set of standards that have already been developed. If not, there may be a significant amount of work and effort to develop the appropriate standards for those types of work whose standards are not already established. The biggest challenge is to get the necessary support for such standards to be meaningfully accepted and utilized by a substantial number of practitioners statewide. That is why a type of umbrella group, such as the potential Council on Somatic Practices mentioned earlier, would be valuable. It allows for recognition of various private and proprietary certifications, gaining recognition for many diverse approaches and specialties under one broad certification. The Coalition on Somatic Practices has already established a basis for open, cooperative efforts toward a common goal, and could be expected, and directed, to continue to function as openly.

By itself this approach provides no protection from current local or future state laws. However, local governments may exempt those with such certification from other local provisions. Cupertino and



Mountain View currently recognize the NCETMB, and may recognize other exams being developed. Some may feel that this approach may not be worth the effort unless we intend to pursue one of the other options in a few years. However, this might provide an excellent opportunity for us to develop our organization as well as our trust in our ability to work together without bureaucratic pressures. While it may be sufficient in itself, if we later wanted to introduce a licensing law, this would probably be the first step. We would have an established organization and proven procedures.



Conversely, if we cannot conceive of and successfully develop this program ourselves, we probably don't want to propose a state law, a move which would necessitate such a program.

Cost

The cost in establishing the program would depend upon the extent to which we could use an existing model. Any direct long term costs would presumably be recovered from payment of fees for the certification process. There would also be the other long term costs of dealing with local ordinances and other professions

described in the status quo options, since we would still have to address local regulations. Possibly this option could be combined with other options, such as a state law exempting those holding certification from being subject to local regulations.

E. Other Options Not Mentioned

Example: If you have suggestions for alternatives which have not been mentioned, please let us know. Please explain on the enclosed survey form.



APPENDICES:

A. "How do other states Regulate Somatic Practices ?"

Approximately twenty other states currently have laws which recognize, regulate, and in most cases, license massage practitioners. While none of these states refer to the term "somatic practices" these other state laws generally include other somatic practices within the broad definition of "massage". At least one state, Washington refers to several titles of practice such as reflexology, accupressure touch therapy or body therapy as among the specialties covered by the massage license.

These laws in other states provide for the issuance of a credential such as a title that a person is allowed to use. Nearly all include a professional education requirement including a number of hours of classroom activity ranging from 300 to 1,000 hours with 500 being most common. When a law establishes a new education requirement for a professional field, there is usually a so-called "grandfather clause" for individuals who have been practicing for a specified amount of time, but who do not currently meet the number of classroom hours. They are "grandfathered" and allowed to continue practicing even though they do not meet the new educational requirements. Sometimes their work experience is recognized in lieu of some education. Other times, they are permitted to practice while they take the additional training they lack.

An examination is also required, usually provided by the state, although in some cases the state recognizes the National Certi-

fication Exam for Therapeutic Massage and Bodywork (NCETMB). No other private certification exams, such as those developed for particular specialties, are currently accepted for licensing purposes. In nearly all states there are fees including an annual registration fee, and an initial licensing fee, which range from \$25 to \$200 for individuals, with higher fees for establishments and schools. (This is in addition to any general business license, which all businesses pay as a tax to the local government). Over half these regulating states license just the practitioner, although the remainder license the business establishment as well, sometimes in ways not much different than the local licensing of massage "parlors". Texas exempts the individual practitioner from needing an additional license for the establishment.

States without state licensing typically have local regulations similar to those in California. Some are as stringent as any in this state. Cities in Maryland, Kansas and a few other localities have passed ordinances offering professional recognition, but higher educational standards are required, and with all specialties lumped together as "massage".

B. Potential impact of other Professions

When a profession is licensed by a state, the law includes a "scope of practice" indicating the services that may be provided. While the scopes of services often overlap, professions also often claim the exclusive right to offer specific services. For example many mental health professions are licensed to provide psychotherapy, but among these only psychiatrists can prescribe medication.



The scopes of practice of chiropractic and physical therapy include “therapeutic massage” and movement education. This creates a potential for these professions to claim that only they can legally provide any form of touch therapy or rehabilitative movement training. For example, in New Jersey many massage therapists were practicing in chiropractors’ offices. The New Jersey Board of Chiropractic Examiners recently adopted a rule which prohibits anyone other than licensed chiropractors (and possibly licensed chiropractors assistants) from performing massage therapy in a chiropractor’s office. In a similar battle, the State of Maryland’s Board of Physical Therapy Examiners filed actions against Maryland massage therapists for using the words massage “therapy” or “therapeutic” massage in their advertising, claiming that it was an infringement upon physical therapists, a licensed profession. There is currently a court case pending over this, which has been going on for several years already. Physical therapy laws in California also include movement education and therapeutic exercise. Potentially they could move to restrict our use of these modalities. It is possible that all somatic practices could be affected by such conflicts.

In California, the fact that limited use of massage is included in the scope of practice of cosmetology could change the nature of how the profession is viewed. Cosmetology schools have recently received approval to offer massage programs. There is the potential for the state board to try to absorb us under their laws. How or if that would limit us to the beauty industry, or have any other adverse affects, is unclear.

In addition where massage therapy is licensed, other somatic practices may be threatened by massage therapists - unless the state law specifically recognizes their practice and excludes them from the licensing law (or they obtain a massage license). Many of the specialized types of work don’t consider themselves to be offering “massage”, and may wish to be clearly exempted from massage laws. In some states, licensed massage practitioners have actively prevented other somatic specialties, such as reflexologists, from being exempted from the massage laws. In all cases, being licensed doesn’t assure any profession of protection from challenges to their right to practice various techniques. In California, most charges of scope of practice infringement are brought by licensed practitioners against other licensed practitioners, such as physical therapists and chiropractors, dentists and dental hygienists, etc.

C. “What is our current status for insurance reimbursement (Third Party Billing)

Third party billing by nonmedical practitioners usually is not possible regardless of whether or not it is a licensed profession. The general exception to this is that if the services are both: 1) prescribed by a physician or another medical provider who can directly bill for services such as a chiropractor, physical therapist, and in some cases acupuncturist, and 2) provided under the direct supervision of one of these medical providers, which means on their premises. This appears to be true both in California and in states which license massage therapists.



For example, Medicare does not cover independent massage services - even in Florida where massage therapists are licensed and have a state law giving them provider status under private insurance. In California, insurance companies often try to deny reimbursement to physical therapists and chiropractors if the service was provided by a practitioner without a state license, even if working under the medical providers supervision. Recently, the California State Medical Board has been informing physicians that they cannot use the physical medical codes to bill for services provided by practitioners without a state licence. Orthopedists and neurologists, who are beginning to recognize the value of somatic services as part of their practices, can no longer bill for it when the person providing the service has no state license in the healing arts. In 1993-94, the California Medical Association had a bill in the state legislature to allow them to use the billing codes for these services. The physical therapists opposed this bill. It was withdrawn without passing.

Numerous somatic practitioners do currently bill insurance companies for their services. Sometimes they are paid, sometimes not. There is a distinction between billing auto insurance and medical insurance. Usually there is no problem billing and being paid by auto insurance companies. However, medical insurers and workers compensation usually require medical billing codes (CPT or RVS) to be used when submitting claims for payment. Although the insurer may pay for these services when provided by an unlicensed, independent practitioner, the codes used are under the classification of physical medicine. Using them implies that we are

providing a medical treatment. In some cases, practitioners who were paid by the insurance companies are later charged, and sometimes arrested, for practicing medicine without a license (a misdemeanor). It has been the California State Medical Boards' position that we cannot use these codes.

Also to be considered are the strict guidelines for treatment which the insurance companies find acceptable. Currently, most medical practitioners find insurance companies directing many policy decisions and protocol regarding patient care. Length and frequency of sessions, allowable number of visits, areas to be worked on, and fees may no longer be determined by the practitioner and client. For this reason, almost two thirds of massage therapists in British Columbia, Canada (where massage is covered under the state health plan), choose not to be part of the insurance system.

An even more difficult problem for receiving reimbursement may occur under Managed Care Medical Plans where there are no services directly billed. Patients can only directly contact primary care physicians (M.D.s) based on a prepaid amount that they receive per client - not per visit. All referrals to other medical specialties must be provided through the primary care physician. This may further complicate and restrict reimbursement.

If insurance billing is important to us we need to be aware that while licensing does not directly provide for insurance billing, as a practical matter, direct insurance billing often cannot be done without licensing. The state of Florida only two years ago passed a law giving massage therapists equality in private



insurance billing, after being a licensed profession for decades.

California state law prohibits someone from practicing medicine without a license. This law requires all “healing arts” to be licensed. Health insurance payments almost by definition, must be restricted to practitioners of “healing arts” (and sometimes those under their direct supervision). Even if so-called complementary, or “wellness” services are included in health care reform, it is unlikely that unlicensed practitioners will be recognized.

D. “Overview of Costs and Procedures for Options B and C Involving State Law”

Getting state legislation enacted is a complex process.

The first step is for the sponsoring group to agree on a basic outline of the legislation. The next step is to draft a detailed proposal, including the “Sunrise” survey mentioned in option C.

Professional assistance in completing these two steps will depend upon the amount of time required. This will be determined by the extent to which the group has a clear idea of what it wants and whether similar laws have already been adopted in other states or California cities, or for other professions. The cost could range from \$5,000 to \$50,000.

The third step would normally be to retain a lobbyist whose job it would be to work directly with legislators and other groups interested in (for or against) the proposal.

If the coalition hires a professional lobbyist

the costs will largely be determined by three factors:

- 1 The degree of controversy the proposal will generate. The biggest issue is: who will oppose the measure and how strenuously? Is it expensive to the state? Is it a new or complex concept that’s hard to understand?
- 2 The extent to which the lobbyist has to meet with the Coalition. Does the Coalition designate one person to meet with the lobbyist or does a large committee meet? To what extent is the lobbyist involved in resolving conflicts within the Coalition?
- 3 The levels of effort required by the lobbyist to draft and revise the proposal.

The estimated range of costs for the first year are from \$20,000 to \$50,000. If legislation is not passed in the first year, the lobbyist costs for the second year may be lower if there isn’t as much work required. If the law hasn’t been passed after two years the coalition probably needs to rethink its approach.

It is possible to propose legislation without the help of a professional lobbyist. This approach is usually not as likely to succeed but can work in some situations if a legislator and his or her staff are willing to do a lot of the lobbying work for us. Without a lobbyist, we would need to have a few members of a Coalition willing and able to spend a great deal of time in Sacramento, in Committee hearings, meeting with legislators, and other such activities

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CALIFORNIA COALITION ON SOMATIC PRACTICES

1995 Survey Ballot

For each of the following options please mark the most appropriate number as indicated below:

Strongly Disagree	Disagree	Undecided	Agree	Strongly Agree
1	2	3	4	5

Please note that you can vote for and against more than one alternative. Comments should be entered in the spaces provided or on additional sheets if necessary. Return only this part of the packet to the address listed below. A postpaid envelope has been included for your response.

A. Variations on the Status quo

1 <input type="checkbox"/> Strongly Disagree	2 <input type="checkbox"/> Disagree	3 <input type="checkbox"/> Undecided	4 <input type="checkbox"/> Agree	5 <input type="checkbox"/> Strongly Agree
1 <input type="checkbox"/> Strongly Disagree	2 <input type="checkbox"/> Disagree	3 <input type="checkbox"/> Undecided	4 <input type="checkbox"/> Agree	5 <input type="checkbox"/> Strongly Agree

1. **Accept the current regulatory situation,** making no organized attempt to propose state law or develop formal regulatory policy. (Refer to discussion on pages 15 &16)

COMMENTS:

2. Initiate an aggressive **coordinated effort to introduce model ordinances at the local level** which recognize somatic practices, and protect those practitioners from restrictive local regulations. (Refer to discussion on page 16 & 17)

COMMENTS:

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1	2	3	4	5
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Strongly Disagree	Disagree	Undecided	Agree	Strongly Agree

3. **Professional development:** Continue efforts to develop and unite somatic practitioners but not to initiate state regulation at this time.
(Refer to discussion on pages 17 & 18)

COMMENTS:

1	2	3	4	5
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Strongly Disagree	Disagree	Undecided	Agree	Strongly Agree

B. STATE LAW WITHOUT LICENSING.

1. Develop a plan to **create a state law providing exemption from restrictive local regulations**
(Refer to discussion on pages 19 & 20)

COMMENTS:

1	2	3	4	5
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Strongly Disagree	Disagree	Undecided	Agree	Strongly Agree

2. Develop a plan to **create a state law requiring registration** of somatic practitioners while providing exemption from restrictive local regulations(but not establishing a state body to license or review a practitioner's qualifications).
(Refer to discussion on page 20)

COMMENTS:

Title

We currently have used the term "SOMATIC PRACTICES" to describe the whole field of skilled touch. (Refer to page 10) Is there another word or phrase which you think best identifies the whole field?

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1	<input type="checkbox"/>	Strongly Disagree
2	<input type="checkbox"/>	Disagree
3	<input type="checkbox"/>	Undecided
4	<input type="checkbox"/>	Agree
5	<input type="checkbox"/>	Strongly Agree

C. State Licensing Program

Develop a plan to **create a single state license** as a somatic practitioner with a specialty subtitle in any areas of specialty or expertise,(possibly including tiered level of educational requirements).

(Refer to discussion on pages 21 - 24)

COMMENTS:

D. Non-Governmental (Private) Certification

1	<input type="checkbox"/>	Strongly Disagree
2	<input type="checkbox"/>	Disagree
3	<input type="checkbox"/>	Undecided
4	<input type="checkbox"/>	Agree
5	<input type="checkbox"/>	Strongly Agree

Develop a broad private certification program

established by and for practitioners (which recognizes autonomy of diverse specialties).

(Refer to discussion on pages 25 - 28)

COMMENTS:

E. Other Options Not Mentioned

List any alternatives to the options listed which you believe are preferable to all of these options.

Combinations

List any combinations of the above options which you believe should be pursued together.

Scope of Practice

Elements of a scope of practice: Please check any of the following which you can identify with as being part of your practice, either currently, or in the future:

Skills*:

- touch
- movement
- education
- counseling

Purposes and Objectives*:

- enhancing well being
- developing self awareness
- balancing vital energy
- movement education (maximizing function)
- fitness training
- stress management
- injury rehabilitation
- personal service (grooming)
- maximizing structural integrity

Tools or modalities*:

- heat, cold
- stretching
- exercise
- nutrition
- emotional release
- breathwork
- energy work
- guided imagery
- hypnosis

*Please add others which you feel relate to your work

How would you describe your work professionally?

- Health care (eg. in a medical or chiropractic office)
- Personal Service (eg. on-site, in a salon, etc.)
- Health and Fitness (eg. in a gym or athletic environment)

Your Name

Address

CityStateZip

**Your Survey
answers will be kept
Strictly Confidential !**

Would you like to be updated as to the results of this survey ?

- Yes No

May we reuse your name and address (for rent to likeminded groups and advertisers)

- Yes No

If it's at all possible, We will gladly, accept donations to offset the expense of printing, and mailing, this packet and for processing the results.

Make Checks Payable to:
California Coalition On Somatic Practices

Survey

Cut along dotted line or tear out at fold, place in Envelope and mail to P.O.Box 5611 San Mateo CA 94402

Cut along Dotted line, or Tear out at fold, Place in Envelope and mail to P.O.Box 5611 San Mateo CA 94402

Demographic Questionnaire

You have come to the final section of the survey packet, and we ask a few more minutes of your time in completing the Demographic Questionnaire. The purpose of this questionnaire is to establish a rudimentary profile of who we are in California. The results will be kept strictly confidential and your cooperation in completing this final section is very important and appreciated. Thank you for your time and for sharing personal information with us.

Personal Data

1. Gender:

- Female Male

2. Age:

- Under 25 25-34
 35-44 45-54
 55-64 65 or over

3. County of Residence: _____

4. Education level:

- Did not complete high school
 High school or equivalent
 Some College
 Technical/Vocational Certificate
 2-year College
 4-year College
 Masters degree
 Advanced degree
 No Response

5. Organizational membership

(associations, regional guilds, etc.):

Somatic Training

Please list training in a complete curriculum leading to a certificate on the lines below:

School Attended

Hours Of Training

Dates Attended

School Attended

Hours Of Training

Dates Attended

Disciplines

Please indicate in the boxes below your level of training in the forms listed [if you don't see yours, please indicate in the additional blank boxes] as follows:

A = Introductory B =Practitioner
C = Instructor

- Acupressure Alexander Technique
 AMMA Therapy® Aston Patterning
 Barefoot Shiatsu Core Bodywork
 Cranial Sacral Therapy Deep Tissue
Bodywork Feldenkrais Method®
 Esalen Massage Five Element Shiatsu
 Geriatric Massage Hellerwork®

- Infant Massage
- Hanna Somatics
- Jin Shin Jyutsu
- Lomi Method®
- Manual Lymph Drainage
- Myofascial Release
- Neuromuscular Therapy
- On-Site Massage
- Pesso Boyden Psycnomotor System®
- Pre/Post Natal Massage
- Rosen Method
- SHEN+Therapy
- Soma Neuromuscular Integration®
- Somato Emotional Release
- Structural Integration
- Swedish Massage
- Touch for Health®
- Trigger Point/Myopathy
- Integrative Massage
- Jin Shin Do®
- Kinesiology
- Looyenwork
- Polarity®
- Ohashiatsu®
- Rolfin®
- Ortho-Bionomy™
- Reflexology
- Sports Massage
- Somatics
- Shiatsu
- Trager®
- Thai Massage
- Tuina Massage
- Zero Balancing®

PRACTICE

1. Are you currently in practice?

- Yes No

2. If so, what is your practice Setting:

- Private practice clinic/office
- Private practice in home
- Hospital/Nursing Home
- Fitness Center/Health Club/Spa
- Sports Medicine Facility

- Wholistic Health Center
- Resort/Hotel/Cruise Ship
- Beauty/Skin Care Salon
- Corporation/On-Site
- In office of other Health Professional
- Other

3. Client/patient sessions per week:

- Less than 10 Sessions
- 11 - 20 Sessions
- 21 - 30 Sessions
- 31 - 40 Sessions
- 41 - 50 Sessions
- More than 50 Sessions

4. Average length of sessions:

- 15 Minutes
- 30 Minutes
- 60 Minutes
- More than 60 minutes

5. How long has your practice been established?

- One year or less
- 1 - 2 Years
- 3 - 5 Years
- 6 - 10 Years
- 11 - 15 Years
- 16 or more Years

6. What percentage of your income comes from your practice?

- 10% or less 11 - 25%
- 26 - 40% 41 - 60%
- 61 - 75% 76% or more

Demographic Info

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Contributing Organizations/Specialties/Schools/Groups

Continued From Page 6 (as of Nov. 20, 1994) (financial and/or use of mailing lists or other participation)

Alexander Technique
Alive and Well School of Massage
American Institute of Massage Therapy (AIMT)
American Oriental Bodywork Therapy Association (AOBTA)
American Polarity Therapy Association (APTA)
Associated Bodywork & Massage Professionals (ABMP)
Association of Humanistic Psychology, Somatics Community (AHP)
Aston-Patterning Training Center
Body Networker
Body Therapy Center
California Massage Therapy Association (CMTA)
California Federation of Massage (CFM)
Chi Nei Tsang Institute
Desert Resorts School of Soma Therapy
Esalen Bodyworkers Association
Feldenkrais Guild
Hanna Somatics
Hellerwork School
Integrative Therapy School
International Myomassethics Federation (IMF)
International Professional School of Bodywork (IPSB)
Kern Guild of BodyWork (Kern County)
Lomi School Foundation
Loving Hands Institute
Massage Magazine
McKinnon Institute of Professional Bodywork
Monterey Institute of Touch
Mueller College of Holistic Studies
On-Site Enterprises
Ortho-Bionomy
Phillips School of Massage
Relexology Association of California (RAC)
Rolf Institute
Rosen Method
Source Point
Stewart School of Massage
Touch Therapy Institute
Touching for Health Center and School of Professional Bodywork
Trager Institute
Twin Lakes College of Healing Arts
Wellness School of Massage
Zero Balancing Association
All schools of massage, bodywork and related somatic practices have been informed of our activities

Our Friendly Icons



Touch



Movement



Education

Cover Design, PrePress Layout, Production

**BRIAN
PARKS**



805/
703-0673

Creative Business Graphics
SYNCHRONICITY IN DESIGN

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